

Senate Concurrent Resolution No. 54

RESOLUTION CHAPTER 115

Senate Concurrent Resolution No. 54—Relative to the California Law Revision Commission.

[Filed with Secretary of State September 10, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SCR 54, Padilla. California Law Revision Commission: referral for study.

Existing law requires the California Law Revision Commission to study any topic referred to it for study by concurrent resolution of the Legislature.

This measure would require the commission to report to the Legislature recommendations to revise statutes governing access by state and local government agencies to customer information from communications service providers, as specified.

WHEREAS, Widespread use of 21st Century mobile and Internet-based communications technologies and services enable service providers to monitor, collect, and retain large quantities of information regarding customers, including when and with whom a customer communicates or transacts business, location data, and the content of communications; and

WHEREAS, Government requests to communications service providers for customer information have increased dramatically in recent years, especially by law enforcement agencies; and

WHEREAS, California statutes governing access to customer information lack clarity and uniform definitions as to the legal standard for government agencies to obtain customer information from communications service providers, and many were enacted prior to the advent of wireless mobile services and the Internet; and

WHEREAS, Revising and updating these statutes is necessary to reflect modern technologies and clarify the rights and responsibilities of customers, communications service providers, and government agencies seeking access to customer information; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the California Law Revision Commission shall report to the Legislature recommendations to revise statutes governing access by state and local government agencies to customer information from communications service providers in order to do all of the following:

(a) Update statutes to reflect 21st Century mobile and Internet-based technologies.

(b) Protect customers' constitutional rights, including, but not limited to, the rights of privacy and free speech, and the freedom from unlawful searches and seizures.

(c) Enable state and local government agencies to protect public safety.

(d) Clarify the process communications service providers are required to follow in response to requests from state and local agencies for customer information or in order to take action that would affect a customer's service, with a specific description of whether a subpoena, warrant, court order, or other process or documentation is required; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the author for appropriate distribution.